

FILED
DISTRICT COURT OF GUAM

SEP 26 2006 *PSW*

MARY L.M. MORAN
CLERK OF COURT

OSHIRO_K.setaside

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Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KERINA S. OSHIRO,

Defendant.

CIVIL CASE NO. 06-00018

**PLAINTIFF'S MOTION
TO SET ASIDE DEFAULT
JUDGMENT**

Plaintiff, United States of America, respectfully requests that the Court set aside the default judgment in this case. In support thereof, Plaintiff states as follows:

1. A complaint was filed in this court on July 7, 2006. A copy of the summons and complaint were served on Defendant by Special Deputy U.S. Marshal Walter Gray at Winchell's Donut Shop in Mangilao, Guam on July 10, 2006.

2. Default judgment was entered in this case on August 8, 2006 in the United States District Court of Guam.

3. On September 5, 2006, the Department of Health and Human Services, Debt Management Branch, Program Support Center, received from defendant a completed Annual Payback Activities Certification (APAC), which was a required annual submission under the National Research Service Award program.

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1 4. On September 15, 2006, our office received confirmation that the submitted APAC
2 form was approved by the National Research Service Award Payback Service Center, of the
3 National Institutes of Health, Department of Health and Human Services, and the obligation has
4 been satisfied. See Attachment "A."

5 5. F.R.Cv.P. 55(c) provides:

6 For good cause shown the court may set aside an entry of default and, if a
7 judgment by default has been entered, may likewise set it aside in accordance with
8 Rule 60(b).

8 F.R.Cv.P. 60(b) provides:

9 On motion and upon such terms as are just, the court may relieve a party or a
10 party's legal representative from a final judgment, order, or proceeding for the
11 following reasons: . . . (5) the judgment has been satisfied, released, or discharged
12 . . . or (6) any other reason justifying relief from the operation of judgment.

12 WHEREFORE, Plaintiff United States of America respectfully requests the Court set
13 aside the Default Judgment entered August 8, 2006.

14 Respectfully submitted,

15 LEONARDO M. RAPADAS
16 United States Attorney
17 Districts of Guam and the NMI

18 By:

19 
MARIVIC P. DAVID
Assistant U.S. Attorney

20 Attorneys of the Plaintiff
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Department of Health and Human Services - Public Health Service

**Ruth L. Kirschstein National Research Service Award
Annual Payback Activities Certification (APAC)**

PLEASE TYPE See instructions and Privacy Act information in introductory letter. Please complete applicable sections. This form can also be downloaded from the HHS website at www.hhs.gov/ohrt/apac before a copy for your files.

Section I - Payback Status (Check applicable description)

- 1 ☐ Have not engaged in payback service during reporting period (Complete Section IV)
- 2 ☐ Have elected to engage in financial payback (Complete Section IV)
- 3 ☐ Request an extension of the 2-year period to submit payback service or a break in service. Check this box if you need an extension to participate in any of the NIH/Less Repeated Programs (Specify and length of extension under Section II, Item 4, complete Section IV)
- 4 ☒ Have been engaged in continuous payback service during reporting period (Complete Sections II, III, and IV)

Section II - Payback Service Description

- 1 Number of months engaged in payback during the reporting period: **24**
Dates: **07/01/97 - 07/01/99**
(month/day/year)
- 2 Position Title: **Research Assistant/Evaluation Coordinator**
- 3 Payback Service:
 - a ☐ Full-time position with biomedical or behavioral health-related research, health-related teaching, or health-related activities as primary activity
 - b ☒ Other position(s) where biomedical or behavioral health-related research, health-related teaching, or health-related activities averages at least 25 hours per week of a full work year

OMB No 0925-0002

- a Description of all health-related research/teaching activities, by field of research/teaching activity, and of source of salary support. Include number of hours per week if not full time
- b Effectiveness of substance abuse prevention interventions with at-risk minority adolescents - Ewa Beach, HI
- c Health-behavioral research, evaluation research, substance abuse prevention research
- d SAMHSA, U.S. Department of HHS (minimum of 20 hours/week)

Section III - Employment Information When Engaged in Payback

NAME AND ADDRESS OF EMPLOYING ORGANIZATION: **School of Social Work - SWERU University of Hawaii, Manoa Honolulu, Hawaii 96822**

NAME OF SUPERVISOR: **Verna Kameoka, Ph.D.**

TITLE: **Professor, Director of Social Welfare Evaluation Unit - SWERU**

SIGNATURE OF SUPERVISOR OF RECORD

[Signature] DATE: **9/28/06**

If supervisor is retired or deceased or if you, the recipient, are self-employed, provide a statement that reported employment information is accurate

Section IV - Certification of Knowledge - NRESA Recipient

I certify that all of the above statements are true, complete, and correct to the best of my knowledge (a verbatim false certification is a criminal offense - U.S. Code, Title 18, Section 1001)

SIGNATURE

[Signature] DATE: **Sept. 1, 2006**

SOCIAL SECURITY NO: **1-6714**

DAYTIME TELEPHONE NO: **1-6714**

E-MAIL: **[Redacted]**

Section V - Acceptance by PHS Official (leave blank)

NAME AND TITLE OF PHS OFFICIAL: **Michelle Freese Grants Payback Specialist, NRESA, NIH**

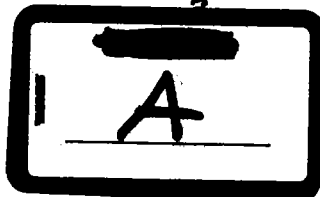
Estimate date payback service begins or resumes: **24 Completed**

Number of months of acceptable service first reporting period: **24 Completed**

SIGNATURE

[Signature] DATE: **9/5/06**

Section VI - Recipient Name and Address Update



Kering S. Oshiro

NAME AND ADDRESS (Please correct if name and/or address has changed)
Karlma S. Oshiro P.O. Box 2000, Yigo, Guam 98928

PHS 600-1-1 (Rev. 2/1995) Instructions